

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

In the Matter of

Civil Citation No. 68353

Ronald L. Shriver  
Sherree L. Shriver

7145 E. Baltimore Street

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on November 18, 2009, for a Hearing on a citation for violations of the Baltimore County Zoning Regulations (BCZR) section 101, 103.1, failure to comply with correction notice, failure to cease the use of the property as an illegal service garage on residential property known as 7145 E. Baltimore Street, 21224.

On October 22, 2009, pursuant to § 3-6-205, Baltimore County Code, Inspector Ray Harmon issued a Code Enforcement citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$3,000.00 (three thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on September 22, 2009 for removal of all untagged/inoperative motor vehicles, and cease service garage activities, including cease all car spraying and repairs to motor vehicles. This Citation was issued on October 22, 2009.

B. Photographs in the file show car body parts, including a front hood, and car painting equipment and supplies outside on this residential property, including power paint sprayer equipment. A photograph taken November 19, 2009 shows a fabric portable shelter erected in the rear yard, with the flaps closed. Respondents did not appear for this Hearing and have not responded to the County's notices.

C. Automotive service garages are not permitted in residential zones; a residential garage can only be used for the storage of private motor vehicles and cannot be used to repair or equip vehicles. BCZR Section 101.1, Section 1B01.1. The evidence shows that Respondents are painting motor vehicles in their yard, which is an illegal automotive service garage activity and must cease. Automobile painting without proper permits and facilities creates an environmental hazard and also an unreasonable burden on residential neighbors.

D. County zoning regulations prohibit the outside storage of inoperative motor vehicles on a residential lot. BCZR Section 428.1(A). The outside storage of unlicensed motor vehicles is also prohibited, except for one vehicle per dwelling unit for a period not exceeding 15 days in any calendar year. Section 428.1(B). If the portable shelter houses an inoperative or an unlicensed motor vehicle, that will constitute an additional zoning violation.

E. Because compliance is the goal of code enforcement, the civil penalty will be reduced if the violation is corrected within the time provided below. If the violation is not corrected, the full civil penalty shall be imposed, Respondent will be subject to additional Citation, and the County will be authorized to remove any untagged or inoperative vehicles, at Respondent's expense.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$2,000.00 (two thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$200.00 (two hundred dollars) if the violation is corrected by December 15, 2009, with all automotive equipment and parts removed from these residential premises, including satisfactory inspection of the portable shelter in Respondent's rear yard.

IT IS FURTHER ORDERED that after December 15, 2009, the County may enter the property for the purpose of removing any untagged or inoperative motor vehicles, at Respondent's expense.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 25<sup>th</sup> day of November 2009.

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer